

Art Unit: 1637

**EXAMINER'S AMENDMENT**

Following entry the amendment filed 11/26/2003, the claims 1-5, 18-19, 22-26 and 28-29

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John B. Alexander on 2/5/2004.

2. The application has been amended as follows:

Cancel claim 18.

In claim 1, line 6, after "wherein m is 2 to 30, and", delete "X<sub>1</sub> to X<sub>m</sub> are, each independently, -CH= or -N=" and substitute therefore -- each occurrence of X<sub>m</sub> is independently selected from -CH= or -N= --.

In claim 2, line 7, after "the general formula", delete -(I) --.

In claim 19, line 1, delete "The" and substitute -A --; after "kit", delete "according to claim 18" and substitute therefore -- suitable for use in the method of detecting or identifying an action of a chemical species to a substance containing DNA or RNA, wherein the kit --; after "comprising", delete "a" and substitute -- the --.

In claim 19, line 2; delete "which can bind to a base sequence of DNA".

In claim 19, line 7, after "wherein m is 2 to 30, and", delete "X<sub>1</sub> to X<sub>m</sub> are, each independently, -CH= or -N=" and substitute therefore -- each occurrence of X<sub>m</sub> is independently selected from -CH= or -N= --.

In claim 22, line 2, after "an action of", delete "a" and substitute therefore - said --, and after "chemical species", delete "A".

3. The following is an examiner's statement of reasons for allowance:

Concerning claims 1-5, 18-19, 22-26 and 28-29, no prior art has been found teaching or suggesting the chemical species as represented in claim 1, 19 and 28-29 used in the method for detecting or identifying an action of the chemical species to a substance containing DNA or RNA and the kit containing the chemical species as represented in claim 19.

The closest prior art is the reference of Asai et al. (J. Am. Chem. Soc., 1994, Vol. 116, pg. 4171-4177). Asai et al. disclose a novel property of Duocarmycin and its analogues for covalent reaction with DNA. The chemical compound (See pg. 4174, the Abstract and fig. 1) used in the method of Asai et al. is not the same chemical species as represented in claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joyce Tung whose telephone number is (571) 272-0790. The examiner can normally be reached on Monday - Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on (571) 272-0782. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joyce Tung J.T.  
February 6, 2004



ETHAN WHISENANT  
PRIMARY EXAMINER